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| 10/062,136      | 02/01/2002  | Leonard C. Fisher    | ICEP:102_US_        | 2515             |

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EXAMINER

RADA, ALEX P

ART UNIT PAPER NUMBER

3714

DATE MAILED: 12/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/062,136

Applicant(s)

FISHER ET AL.

Examiner

Alex P. Rada

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Applicant is advised that should claim 1 be found allowable, claim 26 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 14-15, 17, 21, and 23-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Crompton '853.

4. Crompton discloses an amusement game having means for securing at least one prize/object (balls) arranged on a platform, in which the examiner interprets to be the hopper (7) to be equivalent to the platform, and a device (15 and 10) for determining a characteristic of the at least one prize/object as recited in claims 1 and 26; the device is a scale (15) and the characteristic is weight (15) as recited in claim 2; the means for determining if the at least one prize/object is within a predetermined weight range, in which the examiner interprets the number of balls collected in the hopper within a given time period to be equivalent to the

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predetermined weight range as recited in claim 3; a means for awarding the at least one prize/object when the at least one prize/object is within the predetermined weight range, in which the examiner interprets to be the number of balls within the hopper measured by the dial 15 within a given time period to receive a prize as recited in claim 4; the means for ending a game session when the at least one prize/object is not within the predetermined weight range, in which the examiner interprets to be the number of ball within the hopper and not having enough objects (balls) measured by the dial 15 within a given time period and not receiving a prize as recited in claims 5 and 24; the means for securing is controlled by a player via a control means (figure 2A, 13 and 14) as recited in claim 14; the control means having a joystick (13 and 14 of figure 2A) and at least one push button (column 2, lines 25-27) as recited in claims 15 and 17; the scale having means for indicating the weight of the prize/object visually (15) as recited in claim 21; the means for awarding includes a button (column 2, lines 25-27), a gate (27), and a delivery chute, in which the examiner interprets to be the ticket dispenser to be an equivalent to the delivery chute as recited in claims 23 and 25; a means for awarding a prize when the determined characteristic satisfies certain predetermined criteria as recited in claim 27; the prize/object is a prize as recited in claim 28; securing at least one prize/object (balls) arranged on a platform, in which the examiner interprets to be the hopper (7) to be equivalent to the platform, weighing the at least one prize/object with a scale (15), and awarding a prize when the weight of the prize/object is within a predetermined range, in which the examiner interprets the number of balls collected in the hopper within a given time period to be equivalent to the predetermined weight range as recited in claim 29; the prize/object is a prize as recited in claim 30.

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*Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6-13, 16, 18-20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crompton '853 in view of Shoemaker '487.

7. Crompton discloses the claimed invention as discussed above except for the means securing includes a crane, a gantry, and claw assembly all operatively arranged for movement as recited in claims 6 and 7; the gantry assembly is operatively arranged for translational movement as recited in claim 8; the gantry assembly is operatively arranged for translational movement along a first pair of parallel disposed rails as recite in claim 9; the gantry assembly includes a second pari of parallel disposed rails as recited in claim 10; the crane assembly is operatively arranged for translational movement as recited in claim 11; the crane assembly is operatively arranged for translational movement along the second pair of parallel disposed rails as recited in claim 12; the claw assembly is operatively arranged for vertical movement as recited in claim 13.

Shoemaker teaches the means securing includes a crane (204), a gantry (figure 3), and claw assembly all operatively arranged for movement (figure 3), the gantry assembly is operatively arranged for translational movement (figure 3), the gantry assembly is operatively arranged for translational movement along a first pair of parallel disposed rails (figure 3), the gantry assembly includes a second pari of parallel disposed rails (figure 3), the crane assembly is operatively arranged for translational movement (figure 3), the crane assembly is operatively

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arranged for translational movement along the second pair of parallel disposed rails (figure 3), and the claw assembly is operatively arranged for vertical movement (figure 3). By having a crane, gantry, and claw assembly having a wide range of movement, one of ordinary skill in the art would provide an amusement game that has a wide range of movement to achieve a prize based on player's skill.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Crompton to include the means securing includes a crane, a gantry, and claw assembly all operatively arranged for movement, the gantry assembly is operatively arranged for translational movement, the gantry assembly is operatively arranged for translational movement along a first pair of parallel disposed rails, the gantry assembly includes a second pair of parallel disposed rails, the crane assembly is operatively arranged for translational movement, the crane assembly is operatively arranged for translational movement along the second pair of parallel disposed rails, and the claw assembly is operatively arranged for vertical movement as taught by Shoemaker. To do so would provide an amusement game that has a wide range of movement to achieve a prize based on player's skill.

At the time the invention was made, it would have been an obvious design choice to a person of ordinary skill in the art to provide a trackball for control means, an audible indication and different types of measuring indicators because Applicant has not disclosed that a trackball for control means, indicating the weight of a prize by audible sound, and determining different characteristics by mass, size, and electrical properties as recited in claims 16, 18-20, and 22 provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform

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equally well with the indicators and different characteristics as taught by Crompton and Shoemaker because having an audible indicator and determining different characteristics using mass, size, or electrical properties provides the same functional end result of winning or losing a prize.

*Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Faith '665, Singer '008, Yoshida '940, Carter '760, Reis '417, Ibe '340, Lee '044, Lewis, '530, Shoemaker '374 all disclose different types of crane game.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex P. Rada whose telephone number is 703-308-7135. The examiner can normally be reached on Monday - Friday, 08:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

APR  
apr

  
S. THOMAS HUGHES  
SUPERVISORY PATENT EXAMINER  
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